



# 7645  
\$

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: )  
DOUGLAS C. STAHL )  
: ) Group Art Unit: 1645  
Application No.: 09/895,381 )  
: )  
Filed: July 2, 2001 )  
: )  
For: GENOTYPE PATTERN )  
RECOGNITION AND )  
CLASSIFICATION ) December 21, 2001

RECEIVED  
DEC 27 2001  
TECHNICAL SERVICES

Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.84 (b)(2)  
FOR ACCEPTANCE OF COLOR PHOTOGRAPHS

Sir:

Applicant hereby petitions the Commissioner for Patents for acceptance of color photographs for Figures 4A, 4B and 5A.

In accordance with 37 C.F.R. § 1.84 (a)(2)(i) and (ii), three sets of color drawings for Figures 4A, 4B and 5A are enclosed herewith as Exhibit A, together with the fee for this petition under 37 C.F.R. § 1.17(h). Additionally, in accordance with § 1.84 (a)(2)(iii), Applicant submits that a Preliminary Amendment is being filed concurrently herewith to amend the specification to add the language that the patent contains at least one drawing executed in color.

Further, in accordance with § 1.84 (a)(2), Applicant submits that color drawings (photographs) are necessary for the understanding of the claimed invention. Specifically, Figures 4A and 4B are photographs of an electrophoresis gel (which is specifically listed in § 1.84(b)(1) as one type of subject matter for which photographs are acceptable) which depict separation of specific alleles, where the type of allele is depicted by a specific color (red, yellow or green). Figure 5A is a graphical depiction of the intensity of the separation pattern of each allele type, with each allele type again being represented by a specific color. As evidence that color photographs are necessary for understanding the claimed invention, Applicant submits herewith as Exhibit B black and white photographs of each of Figures 4A, 4B and 5A for the Commissioner to compare with the color photographs.

In view of the foregoing, it is believed that the conditions under 37 C.F.R. § 1.84 (b)(2) for acceptance of color photographs are met and therefore, granting of this Petition is respectfully requested

Submitted herewith is a check for \$ 130.00 to cover the fee for this Petition under 37 C.F.R. § 1.17 (h). Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa,

California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant

Registration No. 42,746

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

CA\_MAIN 34800 v 1